ELBERT COUNTY

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Meeting Minutes
PLANNING COMMISSION HEARING
BOCC HEARING ROOM
215 COMANCHE ST
KIOWA 80117
JANUARY 15, 2019

Note: These meeting minutes are only a summary of the meeting. Duplication of the audio recording is available, for a fee, by contacting Community & Development Services.

The Planning Commission Meeting was called to order at 7:02 pm.

PRAYER: Led by Jim Keen

PLEDGE OF ALLEGIANCE: All

ROLL CALL

Commission members present: Peter Hoogendyk, Dan Michalak, Kipp Parker, Danny Willcox, Anthony Hartsook, Linda Krausert, Jim Keen, and Justin Klassen.

Staff present: Sam Albrecht, County Manager; Christina Stanton, CDS Director; Tracey Aaron, CDS Administration; Julie Esterl (Baseline).

Jim Keen presents the new members of the Planning Commission. He asks all to introduce themselves and say which District they represent.

Dan Michalak: District 1; been on the Planning Commission for 3 years.
Danny Willcox: District 2.
Anthony Hartsook: District 2.
Linda Krausert: District 3; been on Planning Commission 1 year in February.
Jim Keen: Vice Chair; District 3; 3rd year on the Planning Commission.
Peter Hoogendyk: District 2; been on Planning Commission since April 2018.
Kipp Parker: District 3; 2 years on the Planning Commission
Justin Klassen: District 1; been on Planning Commission for 3 months. Previously on for 1 year.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)
Christina Stanton discusses upcoming training with DOLA. Approximately 2 hours in duration. Training will take place on Tuesday, February 26, 2019, at 7pm for all Planning Commissioners.
Christina Stanton also states:
- Zoning / Subdivision Regulations and EDZ will be at BOCC on January 23rd, 2019
- New Zoning Compliance Officer started the first of this year
- Implemented a PC deadline schedule

CITIZEN COMMENTS ON GENERAL ITEMS
- Pete Roy: Expressed thanks and appreciation to PC for what they do

END PUBLIC COMMENTS

ELECTION OF OFFICERS

Jim Keen discusses the open Chairman seat. As a norm, the Vice Chair usually steps into the role of the Chair, but he feels he is unable to do so due to other obligations. Therefore, it is open for nomination.

Jim Keen nominates Danny Willcox for Chair. Linda Krausert and Dan Michalak second. All in favor. Motion approved. Danny Willcox accepts the position.

Kipp Parker nominates Jim Keen for Vice Chairman. Justin Klassen seconds. All in favor. Motion approved. Jim Keen accepts the position.

CONSENT CALENDAR
A. No items

APPROVAL OF MEETING MINUTES:
A. December 4, 2018 – Approved as written

PUBLIC HEARING BEGINS

Danny Willcox reviews the Public Hearing process:

This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the adopted regulation standards/criteria and the competent, substantial and material evidence received during this hearing. All testimony must be competent, on topic and not repetitious.

JULIE ESTERL (Baseline): PRESENTATION OF FINE REZONE AND MINOR DEVELOPMENT – RZ-17-0045 & MD-17-0046

Julie Esterl briefly introduces herself to the new Planning Commissioners.
Overview of FINE REZONE - Application RZ-17-0045:
- A request to approve a Rezone and Minor Development for the division of a 37.5 acre parcel into one 19.59 acre parcel and one 17.91 acre parcel
- Current owners Robert and Deborah Fine
- Tom Maroney representative
- If all goes well at PC Hearing, the BOCC is scheduled for Feb. 13, 2019
- All notices were mailed to property owners within the required boundaries
- Sign was posted on CR 17/21
- Notice was in Elbert County NewS on Dec. 20, 2018
- Exhibits show location of property and proposed land division
- Currently zoned Agriculture - A
- Proposed zoning AR – Ag. Residential – minimum lot size of 10 acres
- Referral agencies which responded:
  - Colorado Division of Water Resources
    - Sent lengthy letter stating they needed to re-permit their well
    - Need an Augmentation Plan
  - Elbert County Public Works
    - No objections
  - Elizabeth Fire Protection District
    - An approved driveway meeting county standards shall provide access to the new lot
    - Both residents shall be clearly marked with approved address signs at the end of the driveway
    - Developer shall provide fire protection by either a 30,000 gallon on-site water storage tank, covenants that mandate residential sprinkler systems, or cash in lieu of $1040 per new lot
    - Plan review fee of $128
    - An impact fee form needs to be filled out and signed before recordation of the final plat. Impact fees are paid to the County at the time of building permit and later transferred to the Fire District
  - Intermountain Rural Electric Association
    - No objection
  - Baseline Surveyor
    - Minor formatting revisions required
  - Town of Elizabeth
    - No comments

Planning Commission to consider the following 6 items based on the Elbert County Zoning Regulations in order to approve the Rezone:
1. Compliant with the Comprehensive Plan
2. Rezoning of A to AR is consistent with the surrounding area
3. Proposal includes adequate access and utilities
4. Low impact. No significant impact on the environment
5. Rezone will not create significant traffic
6. No known impact on public health and safety

Proposal is consistent with the Elbert County Zoning Regulations – AR – Agriculture Residential:
- Uses permitted by right – one single family dwelling per lot
- Minimum lot area – 10 acres (both lots will exceed)
- Minimum lot width – 250 feet (both lots will exceed)
REZONING FINDINGS AND RECOMMENDATION:
1. Is in general conformance with the Elbert County Comprehensive Plan
2. Meets criteria in the Elbert County Zoning Regulations
3. Subdivision Regulations are not applicable to the rezoning
4. Compatible with existing and allowable land uses in the surrounding area
5. Will not result in significant impact to health, safety, and welfare of the residents and landowners of the surrounding area

Staff recommends the Planning Commission recommend Approval of RZ-17-0045 to the BOCC, subject to the following conditions:
1. The applicant will be required to remove the Public Hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners
2. The rezone request shall not become effective until all fees are paid, conditions of approval are met, and the Rezone Exhibit is recorded
3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval

MINOR DEVELOPMENT EVALUATION: MD-17-0046
1. Complies with the Subdivision Regulations, Zoning Regulations, and the Comprehensive Plan
2. Complies with applicable statutory provisions
3. No known conflicts were identified by the Elbert County Health and Human Services Department. Project was not referred to the Colorado Department of Transportation because the project does not access any state highway

Specific Regulations for the Minor Development:
- Consistent with Elbert County Subdivision Regulations
  - Applicant has submitted all required information and documents
- Criteria for Approving or Denying Minor Residential Developments
  - CDS has prepared a written recommendation
  - The applicant may respond to CDS’s recommendation
  - Planning Commission shall consider all evidence presented

MINOR DEVELOPMENT FINDINGS AND RECOMMENDATION:
1. In conformance with the Elbert County Comprehensive Plan
2. Meets the criteria for approval in the Elbert County Subdivision Regulations
3. Conformance with the Agriculture Residential zone district
4. Compatible with existing and allowable land uses in the surrounding area
5. Will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area

Staff recommends the Planning Commission recommend MD-17-0046 for Approval to the BOCC, subject to the following conditions:
1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners
2. The minor residential development will not become effective until all fees are paid, conditions of approval are met, and the minor development documents are recorded.

3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval.

4. The applicant shall comply with all requirements of the Elizabeth Fire Protection District including:
   a. An approved driveway meeting county standards shall provide access to the new lot
   b. Both residents shall be clearly marked with approved address signs at the end of the driveway
   c. Cash-in-lieu fees of $1040 shall be paid prior to the recordation of the plat
   d. Plan review fee of $128 shall be paid prior to the recordation of the plat

5. Cash-in-lieu of open space dedication shall be paid to Elbert County prior to the recordation of the plat.

6. The minor residential development plat shall comply with the submittal requirements in the Subdivision Regulations and the applicant shall submit two copies on mylar for recordation at the Elbert County Clerk and Recorder.

JULIE ESTERL PRESENTATION CONCLUDED

TOM MARONEY - REPRESENTATIVE:
- Expresses his appreciation for all the work done by staff during this long process.
- Talks of how the Fines are wonderful people.
- Explains there are new people who would like to purchase the home.
- Feels the division of property fits with the neighborhood.
- Opens it up for any questions.

There are no questions.

PLANNING COMMISSION DISCUSSION

Dan Michalak: Asks if the fees should be placed under the Minor Development or the Rezone.

Julie Esterl: Explains the Fire District’s fees are for both. Cash-in-lieu is for Minor Development.

Tom Maroney explains the process in further detail as he has done this for many years. He is unable to pay the impact fees until he receives approval from BOCC.

Linda Krausert compliments staff on including the proof of mailings in the presentation. She finds it very helpful to see the receipts which show the surrounding property owners did in fact receive notice, as in the past it’s been very contentious regarding such.

Justin Klassen: Has never seen a 30,000 gallon water tank required on site for fire-fighting.

Tom Maroney explains they have 2 options: either pay the cash-in-lieu or do the systems. They chose to do the cash-in-lieu.
END PLANNING COMMISSION DISCUSSION

Danny Willcox requests a motion.

*Dan Michalak makes a motion to Approve the Fine Rezone, RZ-17-0045 subject to the following Conditions and subject to the Findings and Recommendations. Second by Kipp Parker. ALL IN FAVOR. Motion carries 8-0.*

*Dan Michalak makes a motion to recommend Approval of the Fine Minor Development, MD-17-0046 subject to the following Conditions 1-6. Second by Jim Keen and Linda Krausert. ALL IN FAVOR. Motion carries 8-0."

Justin Klassen asks if it is a unanimous vote, is it necessary to have a Roll Call Vote as well?

Christina Stanton states she will look into such to determine and verify what is necessary.

MEETING ADJOURNED AT 7:40 PM